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PM SECSTATE WASHDC

TO AMEMBASSY KIGALI IMMEDIATE

INFO USMISSION GENEVA PRIORITY

USMISSION USUN NEW YORK PRIORITY

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FOR CHARGE WHITEHEAD

R.O. 12356: DECL: OADR

TAGS: PHUM, PREL, RW, UN

SUBJECT: RWANDA WAR CRIMES TRIBUNAL: ZERO HOUR

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1. CONFIDENTIAL - ENTIRE TEXT.

2. AS EMBASSY IS AWARE, UNSC ACTION ON THE RESOLUTION ESTABLISHING A WAR CRIMES TRIBUNAL FOR RWANDA IS BEING HELD UP DUE TO OBJECTIONS BY THE RWANDAN GOVERNMENT TO THE CURRENT DRAFT. OUR UNDERSTANDING, BASED, INTER ALIA, ON UNDER SECRETARY WIRTH'S OCTOBER 19 CONVERSATION WITH PRESIDENT BIZIMUNGU, IS THAT WAYS CAN PROBABLY BE FOUND TO

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ARCHIE M BOLSTER  
DATE/CASE ID: 19 MAR 2004 200303979

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ACCOMMODATE ALL GOR CONCERNS EXCEPT ON THE QUESTION OF CAPITAL PUNISHMENT. WE ALSO UNDERSTAND THAT THE RWANDAN GOVERNMENT HAS PROMISED TO PROVIDE A FINAL DECISION CONCERNING THE TRIBUNAL DRAFT RESOLUTION MONDAY, OCTOBER 24 IN NEW YORK.

3. ACTION REQUESTED: CHARGE SHOULD MAKE CLEAR, IN ANY CONVERSATIONS WITH SENIOR GOVERNMENT OFFICIALS OVER THE NEXT TWO DAYS, THAT IT IS ESSENTIAL THAT THE RESOLUTION DRAFT (REVISED BY THE U.S. TO ACCOMMODATE AS MUCH AS POSSIBLE OTHER GOR CONCERNS) BE VOTED ON NOW, BEFORE OTHER SECURITY COUNCIL MEMBERS ACT ON RESERVATIONS WE KNOW THEY HARBOR. IN THIS REGARD, A PROPOSAL TO INCLUDE CAPITAL

PUNISHMENT WOULD DELAY THE EFFORT AND IS SIMPLY NOT A REALISTIC POSSIBILITY. FOR THIS REASON, THE GOR SHOULD INSTRUCT THE RWANDAN PERMREP IN NEW YORK TO ACCEPT THE CURRENT DRAFT, REVISED TO ACCOMMODATE, TO THE EXTENT POSSIBLE, THEIR OTHER CONCERNS.

4. FYI: USUN REPORTS THAT WE ARE MAKING PROGRESS ON OTHER ISSUES RAISED BY RWANDAN REPRESENTATIVES IN NEW YORK, INCLUDING THE BEGINNING AND ENDING DATES, THE  
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PRIMARY FORMULATION THE LOCATION OF TRIBUNAL ACTIVITIES AND THE REFERENCE TO WAR CRIMES. USUN HOPES TO CONFIRM ACCEPTANCE OF COMPROMISE FORMULATIONS AND COME TO A COUNCIL DECISION EARLY IN THE WEEK.

5. FYI CONTINUED: USUN WILL BE REPORTING SEPTTEL THAT ANOTHER POTENTIAL TRIBUNAL SNAG HAS BEEN ELIMINATED, WITH SYG'S AGREEMENT OCTOBER 20 TO APPOINT YUGOSLAV CHIEF PROSECUTOR GOLDSTONE TO HEAD THE PROPOSED RWANDA TRIBUNAL AS WELL.

6. KIGALI MINIMIZE CONSIDERED.

CHRISTOPHER

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